



THE COURT *Legacy*

The Historical Society for the United States District Court
for the Eastern District of Michigan ©1996

Volume IV, No. 1
Spring 1996

Judge Alexis Caswell Angell

By Jon Rabin

No judge in the history of the U.S. District Court for Eastern Michigan served a shorter term than Alexis Caswell Angell. Judge Angell received his commission on July 1, 1911 and left the bench eleven months later to return to private practice. Angell's quick resignation seems puzzling in light of the work involved for most aspirants in obtaining positions like his and the privilege experienced by such an appointment. His background and the circumstances surrounding his appointment, however, demystify the story.

Alexis Caswell Angell was born in Providence, Rhode Island in 1857 to Sarah Swope (Caswell) Angell and James Burrill Angell. The family moved to Burlington, Vermont in 1866 and to Ann Arbor in 1871. Alexis attended the University of Michigan during his father's long tenure as president, and received his A.B. degree in 1878 and LL.B. in 1880. Angell went almost immediately into private practice in Detroit and by 1892 was a partner in the firm Wells, Angell, Boynton & McMillan. Like much of his family, Alexis Angell was drawn to academic work. His maternal grandfather served as president at Brown University, his brother James Rowland Angell would become president of Yale, and his father received eleven honorary degrees for contributions to literature and the social sciences. His father-in-law, Thomas M. Cooley, taught law and would later serve as Chief Justice on the Michigan Supreme Court. Angell edited several of Cooley's books on constitutional law and torts, and taught part-time at the University of Michigan from 1893 to 1898, lecturing on constitutional and domestic relations law. He also enjoyed reading Michigan history.

Angell continued in private practice with the firm Wells Angell which, in 1902, changed officially to Angell, Boynton, McMillan & Bodman. The precise nature of his legal practice is unclear, but the *New York Times* reported after Angell's death that he rarely set foot in courtrooms, preferring instead to practice corporate law from his office.

It may have been his impressions of court work that led him at first to reject President William Howard



Credit: Photographic Collection, Bentley Historical Library

Alexis Caswell Angell was born in Providence to one of Rhode Island's oldest families. The son of a University of Michigan president, Angell was a lawyer, jurist and educator appointed United States District Judge for the Eastern District of Michigan by President Taft in 1911. He resigned eleven months later.

Established in 1992

BOARD OF TRUSTEES

President

Sharon M. Woods

Vice President

John H. Dise, Jr.

Secretary-Treasurer

I. W. Winsten

Joseph Aviv

Hon. Nancy G. Edmunds

Hon. John Feikens

John W. Friedl

Hon. Paul V. Gadola

Alan C. Harnisch

Dennis J. Levasseur

Mrs. Dores McCree

Prof. Harold Norris

Barbara J. Rom

Jeffrey A. Sadowski

Joe H. Stroud

Robert M. Vercruysee

Executive Director and Editor

Peggy Brann

THE COURT LEGACY

Published Spring and Fall by The Historical Society for the United States District Court for the Eastern District of Michigan, 133 Theodore Levin United States Courthouse, Detroit, MI 48226-2797, Ph. (313) 226-2459, FAX 313-226-6325.

Subscriptions available through any Society membership. Membership benefits include the Newsletter, voting privileges, and the Annual Meeting.

Papers are encouraged to be submitted to the Newsletter editor for publication consideration. Content for the Spring issue is due January 1; Fall issue, July 1. Mail items for publication to The Historical Society, U.S. District Court, 133 Theodore Levin U.S. Courthouse, Detroit, MI 48226.

The Court Legacy reserves copyright to authors of signed articles. Permission to reprint a signed article should be obtained directly from the author and *The Court Legacy* should be acknowledged in the reprint. Unsigned material may be reprinted without permission provided *The Court Legacy* is given credit.

Taft's offer of the judgeship. The *Detroit News* reported that the salary was too low for Angell and he no doubt weighed money with other factors when he rejected the offer. Imagine his surprise, however, when a correspondent from the *Detroit Journal* asked him for a response to his nomination in February 1911. "There must be some mistake," Angell replied. "I talked the matter over with the president, but I did not say I would accept." The pressure apparently worked, however, and the next day Angell wired Taft that "after anxious consideration I have concluded to undertake the work." The President wrote back that he had already sent his name to the Senate for confirmation "in order to bring a leverage on you."

Angell's nomination came two years into Taft's administration, a time when the President and his Attorney General, George W. Wickersham, still seemed committed to a nonpartisan, reformist Justice Department with the appointment of qualified, independent-minded judges. Angell's Republican party ties were well known, but his academic and professional background and the prominence of his family, no doubt inspired additional respect. The Detroit Bar greeted Angell's selection with nearly unanimous approval. Indeed, both of the active candidates for the position had told Taft that if he could persuade Angell, they would step aside in deference.

The new judge arrived to a busy courtroom in July 1911. Judge Angell's predecessor, 71 year old Henry H. Swan, worked until 1:00 a.m. in his last four weeks before retirement (along with some help from Judge Arthur Denison of Michigan's Western District), just to clear the court's old business. It could not help matters that the government provided little staff assistance for district judges (just \$1,000 for a stenographer's salary). Angell was, for the most part, on his own.

Every aspect of the court's workload had increased considerably since the turn of the century. In 1900 Judge Swan presided over 12 civil cases to which the United States was a party, but the Eastern District in 1912 witnessed 35. Swan's court terminated 40 criminal cases, whereas Angell heard 169. Despite the expansion of the docket, only non-government

civil cases were dismissed or discontinued at a significantly higher rate than in 1900. All but 39 of those 1,259 cases that Angell's court concluded in 1912 ended in dismissal or were stopped, while Swan finished 159 of 258 such cases. Angell probably saw that pressuring lawyers to reach an agreement was the most productive way of getting through his voluminous caseload.

The work took a heavy toll on Judge Angell. He assumed his new duties on July 1, 1911, but within seven months he had seen enough. On February 21,

1912 he penned a note to President Taft. Explaining with regret that he would soon resign, Angell wrote, "I have found much of the work of the office utterly distasteful. The pressure of work is heavy beyond all expectation & (sic) business is increasing beyond all hope of keeping up with it." Worry and sleepless nights strained him physically and mentally. He would wait as long as June, he told the President, hoping not to "break down" before that time. When the press questioned him about his rumored resignation, he held out the possibility of staying if

Continued on page 5

Society Holds Third Annual Meeting

The Historical Society held its third annual meeting and reception on November 16, 1995 at McGregor Memorial Conference Center on the campus of Wayne State University in Detroit. President William A. Saxton presented his annual report on the status of the Society and its activities. In his opening remarks Mr. Saxton announced that Peggy Brann had been hired as executive director in June 1995, and that an archives had been established to preserve the historical documents and photograph collection of the Society. In addition, efforts were continuing to encourage the preservation of chambers papers of federal judges in the Eastern District.



John Hope Franklin

Mr. Saxton also reported on the progress of the various projects of the Society, including the Oral History Project wherein Professor Philip P. Mason continues to chronicle the court's history through recorded interviews with the judges, prominent lawyers and others who have contributed to the legacy of the court over the years. The Society has initiated *The Otis M. Smith Award* for an essay on the history of the court, and upon recommendation of the award committee the winning manuscript will be published by the Society.

Dennis J. Levasseur, secretary-treasurer, gave the treasurer's report for the period ending October 24, 1996. The Society had a balance of \$80,424.96. Receipts were \$95,081.78; disbursements \$14,656.82.

Upon recommendation by the nominating committee, the following individuals were elected to one-year terms: Sharon M. Woods, President, John H. Dise, Jr., Vice President, and I. William Winsten, Secretary-Treasurer. Newly elected Trustees are Judge John Feikens, Alan C. Harnisch, and Robert M. Vercruyssee.

Chief Judge Julian Abele Cook, Jr. then introduced Duke University history professor emeritus John Hope Franklin. Well known for his books on the African-American experience in America, Franklin spoke on "Witnessing for Justice." The Duke University historian emeritus has served on numerous national commissions and is the recipient of many honors. The audience responded enthusiastically and gave Franklin a rising ovation at the end of the speech.

Judge Alexis Caswell Angell (cont. from page 3)

Congress added a second judge to the district. A few weeks later, however, he submitted his official resignation, pending a replacement, adding vaguely that “my physician has had his say.”

Criminal cases bothered him most. U.S. Attorney Arthur J. Tuttle claimed Angell told him privately that he would “never have accepted the position had he known that the greater portion of his time would be taken up in the trial of criminal cases, with which he has never had experience.” It “did not agree with his health, (and) that there was too much to do anyway.”

The Attorney General’s report for the fiscal year 1912 allows some insight into what kind of criminal business Angell faced. Of the 169 criminal cases concluded, 111 are listed as “miscellaneous.” The others consisted of eight alleged internal revenue violations, 30 post office cases, two banking act trials, 12 food and drug act suits, two Sherman Antitrust law offenses, three interstate commerce actions, and one act of counterfeiting.

It was probably no coincidence that Angell’s resignation came in the middle of a lengthy, high-profile criminal prosecution. The “Bathtub Trust,” eleven manufacturers of enameled iron ware, were charged by the government with price fixing in violation of the Sherman Antitrust Act. Angell wrote his first resignation letter two weeks after the trial began and submitted his official resignation one month into the six-week proceedings. Newspaper accounts did not suggest that the case wore him down, but after the jury announced it could not reach a decision, the government issued a scathing indictment of Angell. Edwin P. Grosvenor, Special Assistant to the Attorney General, complained bitterly that Angell’s rulings heavily favored the defense and that his charge to the jury undermined the Sherman law’s intent. The next day, Angell mentioned in a letter to Taft that he would return to private practice as soon as he felt able upon leaving the bench.

The judge’s resignation convinced some that the Eastern District needed a second judge. Legislation introduced for that purpose got tied up in election-year politics as Democrats hoped a president from their own party would soon fill the seat. Eleven years would pass and the court’s workload would more than double before Detroit received a second federal judge.

Angell’s resignation also precipitated an interesting political skirmish over the selection of his successor. Arthur J. Tuttle, the U.S. Attorney in Detroit, and Flavius L. Brooke, a Michigan Supreme Court Justice, emerged as

the leading candidates. Tuttle had the necessary endorsements from the Detroit Bar and from Senator Charles E. Townsend. President Taft temporarily fell under the sway of Brooke’s prime sponsor, a Republican committeeman whose support he needed for renomination. It took the President more than two months, but hundreds of endorsement letters and a number of Detroit visitors finally convinced him that he should choose Tuttle. Townsend wrote to Tuttle in July 1912 that Taft had been “subject to contending influences which beset him in every direction.” The senator said he understood what President Roosevelt meant when he said that “Taft means well but he means well feebly.”

Angell returned almost immediately to private practice. For his remaining years he was the senior member in a firm that changed names three more times, last known to him as Angell, Turner, Dyer & Meek. In 1917, friends put forward his name for election to Detroit’s Board of Education. Without a campaign, he earned 17,000 votes, more than any other candidate. He served for several years (while he maintained his law practice) but, not surprisingly, found the politics and publicity distasteful.

Angell died of a heart attack in 1932 at age 76. In memorializing him, the *Detroit News* spoke of his reputation in the community: “Perhaps he was a little out of step with Detroit, even with the twentieth century; for somehow he reminded one of a past generation which had a deep regard for the amenities, which refused to be jostled, and which achieved its chief satisfaction in a life of the spirit which was untouched by the movement of the world.”

Sources consulted:

Detroit Free Press; Detroit Journal; Detroit News; New York Times
Annual Report of the Attorney General of the United States,
(Washington: U.S. Government Printing Office, 1900-30)

Clarence M. and M. Agnes Burton, eds., History of Wayne County and the City of Detroit, Michigan, (Chicago, Detroit: S.J. Clark Publishing Co., 1930)

Gunther, Gerald R., Learned Hand: The Man and The Judge, (New York: Alfred A. Knopf, 1994)

Hinsdale, Burke A., History of the University of Michigan, (Ann Arbor: University of Michigan Press, 1906)

Otto J. Kirchner Papers, Burton Historical Collection, Detroit Public Library

William Howard Taft Papers, Library of Congress, Washington, D.C.

Arthur J. Tuttle Papers, Michigan Historical Collections, Bentley Historical Library, University of Michigan, Ann Arbor.

Editor’s Note: Jon Rabin has a master’s degree in U.S. History from Wayne State University and attends the Catholic University of America, Columbus School of Law in Washington, DC. He thanks Judge Avern Cohn whose interest in Judge Angell’s short term of service prompted this research.